

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 TINA NGUYEN CRUZ,

4 Plaintiff

5 v.

6 KATE SPADE & COMPANY, LLC,¹

7 Defendant

Case No.: 2:19-cv-00952-APG-BNW

Order Dismissing Case Without Prejudice

8 Plaintiff Tina Nguyen Cruz filed this putative class action against Kate Spade &
9 Company, LLC for inducing consumers into purchasing outlet merchandise with purported
10 illusory reference prices. On September 30, 2020, I granted Kate Spade's motion to dismiss
11 because Cruz's complaint failed to meet the heightened pleading standard for fraud claims, and
12 her unjust enrichment claim was barred. ECF No. 45. I allowed Cruz to file an amended
13 complaint by October 21, 2020. *Id.* at 10. I noted that if she did not file an amended complaint
14 by that date, the case would be closed. *Id.* Cruz did not file an amended complaint by the
15 deadline.

16 I THEREFORE ORDER that this case is dismissed without prejudice. The clerk of court
17 is instructed to close this case.

18 DATED this 2nd day of November, 2020.

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21 ANDREW P. GORDON
22 UNITED STATES DISTRICT JUDGE

23 ¹ Kate Spade & Company, LCC no longer exists and that Tapestry, Inc. is its successor. ECF No.43 at 1 n.1.